IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMARY SUIT NO.4 OF 2007

Sunrise Packing Industries. ...Plaintiff.
Vs.
M/s. Power Control and Appliances. ...Defendant.
....
Ms.Kunjal Sanghavi i/b. K.R. Parekh for the Plaintiff.
None for the Defendant.
.....

CORAM :DR.D.Y.CHANDRACHUD, J.
19th June 2007.

P.C.:

The suit under Order 37 of the Code of Civil Procedure, 1908 has been instituted for recovering the price of goods sold, supplied and delivered to the Defendant. At Exhibit 'A' to the plaint is the Ledger Account pertaining to the Defendant maintained in the books of the Plaintiff under which an outstanding payment of Rs.1,82,259/- was due and payable. The Defendant issued five cheques between 10th and 27th December 2005 which were dishonoured on presentation by the Bankers. There is no reply to the legal notice.

The Defendant has been served with the writ of summons. An affidavit of service has been filed. A compilation of the original documents on the basis of which the suit has been instituted has also been tendered on the record. The claim of the Plaintiff is duly established. Even otherwise, the Defendant having failed to enter appearance, the Plaintiff would be entitled to a decree as prayed under the provision of Order 37. The suit shall accordingly stand decreed in the amount of Rs.1,82,259/-. The Plaintiff will be entitled to interest at the rate of 12% per annum from the respective due dates until the date of the institution of the suit, at the same rate from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court fee, if any, as per rules.

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